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1st Session }

SENATE

{ REPORT
104-46

COMMERCIAL VEHICLES IN THE DELAWARE WATER GAP NATIONAL RECREATION AREA

APRIL 7 (legislative day, APRIL 5), 1995.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 536]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 536) to prohibit the use of Highway 209 within the Delaware Water Gap National Recreation Area by certain commercial vehicles, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 536 is to permit the National Park Service to reinstitute the program of collecting fees for commercial vehicular traffic within Delaware Water Gap National Recreation Area for a period of 10 years.

BACKGROUND AND NEED

The Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey preserves lands on both sides of the Delaware River. Route 209 runs 21 miles through the middle of the National Recreation Area. For many years, Route 209 served as a major truck route, because of its easier grades and shorter route from New England to Pennsylvania. In 1981, route 209 was transferred to the National Park Service (NPS). A provision of Public Law 98-63, the Fiscal Year 1983 Supplemental Appropriations Act, closed the park segment of Route 209 to commercial traffic, authorized the NPS to collect and keep fees and provided a sunset clause for the provision. The law provided that the legislative authority

would expire on July 30, 1993, or upon completion of I-287 (an alternative route which was expected to be finished by 1993), whichever came first.

To implement the law, the NPS set up checkpoints and toll booths to collect fees from commercial traffic. Since 1983, the number of commercial trucks using Route 209 dropped significantly. The fees collected from the commercial trucks that are allowed on Route 209 cover the NPS's costs of collection, but do not fully cover road maintenance.

The NPS has regulatory authority to ban commercial traffic in parks unless such traffic is local in nature, but not to retain the fees in the parks. Delaware Water Gap National Recreation Area is unique in this toll arrangement.

LEGISLATIVE HISTORY

H.R. 536 passed the House of Representatives on March 15, 1995.

In the 103d Congress, similar provisions were contained in H.R. 3252, a comprehensive bill on parks, rivers, trail and historic sites. The Subcommittee on Public lands, National Parks and Forests held a hearing on H.R. 3252 on May 19, 1994, the Committee ordered H.R. 3252 to be favorably reported on September 21, 1994. No final action was taken by the Senate.

At the business meeting on March 29, 1995, the Committee on Energy and Natural Resources ordered H.R. 536 favorably reported, without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on March 29, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 536 without amendment.

The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

Yeas	Nays
Mr. Murkowski	
Mr. Hatfield ¹	
Mr. Domenici	
Mr. Nickles ¹	
Mr. Craig	
Mr. Campbell ¹	
Mr. Thomas ¹	
Mr. Kyl ¹	
Mr. Grams	
Mr. Jeffords ¹	
Mr. Burns ¹	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman	
Mr. Akaka	
Mr. Wellstone ¹	

Mr. Heflin¹
Mr. Dorgan

¹Indicates voted by proxy.

SUMMARY OF THE MEASURE

The bill provides that as of September 30, 2005, commercial vehicular used of Delaware Water Gap National Recreation Area is prohibited, except for commercial vehicles serving businesses within or in the vicinity of the recreation area. The Secretary of the Interior is authorized to develop policies necessary to implement this provision. This section also authorizes the Secretary to charge up to \$25 for each commercial vehicle using route 209 and to utilize those funds without further appropriation.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 3, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 536, an act to prohibit the use of highway 209 within the Delaware Water Gap National Recreation Area by certain commercial vehicles, and for other purposes.

Enactment of H.R. 536 would affect direct spending. Therefore, pay-as-you-go procedures would apply to the act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, *Director*).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 536.
2. Bill title: An act to prohibit the use of highway 209 within the Delaware Water Gap National Recreation Area by certain commercial vehicles, and for other purposes.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on March 29, 1995.

Bill purpose: H.R. 536 would prohibit all commercial vehicles from using highway 209 within the Delaware Water Gap National Recreation Area, with limited exceptions, after September 30, 2005. Until that time, the act would authorize the National Park Service (NPS) to collect commercial use fees of up to \$25 per trip. The NPS previously had the authority to collect fees, but it expired in fiscal year 1993.

Estimated cost to the Federal Government: The NPS is currently using appropriated funds to operate check stations on highway 209 to monitor commercial traffic. CBO estimates that enacting H.R. 536 would result in a small decrease in spending subject to appropriations, because the currently appropriated spending would be replaced by direct spending. The net impact on direct spending, however, would be close to zero because the new fees authorized by the act would offset the cost of collecting the fees. Under H.R. 536, the fees collected would be available, without further appropriation, to pay the cost of operating the stations.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
Authorization:					
Estimated authorization level	-0.3	-0.3	-0.3	-0.3	-0.3
Estimated outlays	-0.3	-0.3	-0.3	-0.3	-0.3
Direct Spending:					
Estimated authorization level	(1)	(1)	(1)	(1)	(1)
Estimated outlays	(1)	(1)	(1)	(1)	(1)

¹ Less than \$50,000.

The costs of this act fall within budget function 300.

The NPS is currently spending about \$275,000 of annually appropriated funds to operate the highway 209 check stations for limited hours. Based on information provided by the NPS, CBO estimates that total fee receipts under H.R. 536 would approximately equal the cost of operating the stations for 24 hours per day—about \$300,000 per year. The NPS plans to set an initial fee level of \$10 per trip, and to increase the fee as necessary to continue to offset the operating costs. Such future increases in the fee level are likely because the amount of commercial traffic on the road is expected to decline over time.

After September 30, 2005, all commercial traffic would be prohibited. The NPS plans to close the check stations at that time, so the spending and the offsetting receipts would both end. The ban on commercial traffic would be enforced with existing traffic patrols. Should the NPS be unable to collect sufficient fees in the interim to pay the costs of collection, they would probably move more quickly to close the stations.

6. Comparison with spending under current law: The current spending for operating check stations on highway 209 is approximately \$275,000. Enacting H.R. 536 would eliminate the need for appropriated funds for this purpose and substitute spending from amounts collected in fees. Hence, the act would likely lead to a small net decrease in federal outlays associated with highway 209.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enactment of H.R. 536 would have a very small impact on direct spending. Therefore, pay-as-you-go procedures would apply. (The act would not affect governmental receipts.)

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	0	0	0
Change in receipts	(¹)	(¹)	(¹)

¹ Not applicable.

8. Estimated cost to state and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: On February 23, 1995, CBO prepared a cost estimate for H.R. 536, as ordered reported by the House Committee on Resources on February 15, 1995. The two cost estimates are identical.

11. Estimate prepared by: Deborah Reis.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 536. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 536, as ordered reported.

EXECUTIVE COMMUNICATIONS

On March 24, 1995, the Committee on Energy and Natural Resources has requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 536. These reports had not been received at the time the report on H.R. 536 was filed. When these reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 536, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF JULY 30, 1983

AN ACT Making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes

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TITLE I

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CHAPTER VII

DEPARTMENT OF THE INTERIOR

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ADMINISTRATIVE PROVISIONS

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In order to further the purposes of the Delaware Water Gap National Recreational Area, and to provide for the public safety of the visitors to the recreation area and the citizens of the States of New Jersey and Pennsylvania:

[(1) Highway 209, as a federally owned road within the boundaries of the recreation area, is hereby closed to all commercial vehicular traffic upon enactment of this law, except for those commercial vehicular operations which are based within the recreation area, or which have business facilities in Monroe and Pike Counties, Pennsylvania, operating, on the date of enactment, commercial vehicular traffic originating or terminating outside the recreation area, and except for those commercial vehicular operations which are necessary to provide services to businesses and persons located within or contiguous to the boundaries of the recreation area.

[(2) The Secretary of the Interior is authorized and directed, notwithstanding any other law, to establish a commercial operation fee for the use, in accordance with subsection (1), of highway 209 for all commercial vehicles, except for commercial vehicular operations serving businesses or persons located in or contiguous to the boundaries of the recreation area: *Provided*, That the fee schedule may not exceed \$7 per trip: *Provided further*, That all fees received shall be set aside in a special account and are available, without further appropriation, for the management, operation, construction, and maintenance of highway 209 within the boundaries of the recreation area.

[(3) The provisions of subsection (1) of this section shall terminate on December 31, 1983. The provisions of subsection (2) of this section shall terminate three years from the enactment of this section unless construction of the I-287 bypass and the construction of high occupancy vehicle lanes or auxiliary lanes on I-287 from, the I-287 intersection with State Route 22 in Somerset County to the I-287 intersection with I-80 in Morris County in New Jersey or any other feasible, suitable alternative has been commenced. In the event construction has been commenced subsection (2) of this section will terminate ten years from the enactment of this section, or when construction of I-287 bypass and the construction of high occupancy vehicle lanes or auxiliary lanes on I-287 from the I-287 intersection with State Route 22 in Somerset County to the I-287

**intersection with I-80 in Morris County in New Jersey or any other
feasible, suitable alternative is completed, whichever occurs first.】**

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